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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,938	07/18/2003	David L. Oswald	23-0070	3467
40158	7590	01/30/2008	EXAMINER	
WOODS FULLER SHULTZ & SMITH P.C. ATTN: JEFFREY A. PROEHL P.O. BOX 5027 SIOUX FALLS, SD 57117			PHILIPPE, GIMS S	
ART UNIT	PAPER NUMBER		2621	
MAIL DATE	DELIVERY MODE		01/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/622,938	OSWALD, DAVID L.
	<b>Examiner</b>	<b>Art Unit</b>
	Gims S. Philippe	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 November 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 and 16-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12, 16-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 October 2007 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

***Response to Amendment***

1. Applicant's response received on October 16, 2007 in which claims 13-15 were cancelled, and claims 19-23 were added has been fully considered and entered, but the arguments are not deemed to be persuasive.

***Response to Arguments***

2. The applicant submitted a Declaration under 37 CFR 1.131 with Exhibits A-G deleted dates which he/she claims antedate the priority date of the provisional application no. 60/482,632 filed on June 26, 2003. The applicant argued that prior to June 23, 2003 the claimed invention of the present application had been conceived. While the examiner understands the applicant's arguments, the date that would validate such arguments have been deleted. It is not understood why the applicant purposely deleted the date of the exhibits when the central point of the remarks revolve around **priority date**. The examiner has nothing to work with when such valuable information is deleted. The arguments regarding the date are not deemed to be persuasive.

The applicant further argues that various points of the rejection make reference to the text and the drawings of the Blair reference which is after the filing date of the current application. The applicant further noted that the provisional patent application and the published patent application have significantly different disclosure, with the published

patent application having significant amount of added text and drawings as compared to the provisional patent application.

The examiner respectfully disagrees with the characterization of '632 provisional application. The applicant is reminded the provisional application need not have the same amount of text as that of the published application as long as there is support for the claimed limitations. In addition, the drawings of the '632 provisional application need not be detailed for one skilled in the art to understand that what is being claimed is shown (See for example figs. 1-8 along with some explanation from page 1 to 4).

The applicant further noted that if the rejection of the claims is maintained in a further action, it is requested that the rejection refers to the text and drawings of the '632 provisional application for supporting the points of the rejection.

The applicant is reminded that claim 1, for example, of the present application is met by in the '632 provisional application paragraphs 1-3 of page 1 along with the proposed explanation given for fig. 1 of page 1 (i.e., parent Set-Top-Box 1 who wants to know what child on Set-Top-Box 2 is watching). To the examiner, this is enough support to reject at least claim 1 of the present application. It is true that the text is not detailed in the provisional application. However, the disclosure of page 1 is sufficient to reject the claimed limitations.

The rejection is repeated below to co-relate with the limitations of the current amendment of the application.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12, 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair (US Patent Application Publication no. 2006/0218575 A1).

As per claims 1, 16, 19 and 22, Blair discloses the same method of remotely monitoring children's internet usage comprising: providing a video tap device couplable to an information handling system between a video output and a video display device, said video tap allowing a video signal from the information handling system to pass through said video tap substantially unimpeded while providing a monitoring video signal which is substantially identical to the video signal presented to the video display device (See Blair [0026, lines 6-16], [0028]); providing a propagation channel (See Blair [0024, lines 19-25], and [0027]); providing a signal transmission assembly for conditioning said monitoring video signal for transmission through said propagation channel, said signal transmission assembly being operationally couplable to said propagation channel (See Blair head-end 450, [0025], and [0032-0033]); providing a receiver assembly

operationally couplable to said propagation channel; providing a video presentation means operationally couplable to said receiver assembly, said video presentation means converting a signal received from said receiver assembly into a presentation of video information substantially identical to the video signal presented to the video display device by the information handling system (See Blair [0028-0029]); coupling said video tap assembly between the video output of the information handling system and the video display device (See [Blair fig. 6, item 686 [0040], fig. 1, item 50]; coupling said receiver assembly to said video presentation means and visually observing said video presentation means whereby internet access of a user utilizing the information handling system may be monitored by a monitoring user (See [0037 and 0043]).

It is noted that Blair is silent about the specifics of the coupling such as coupling said video tap assembly to said signal transmission assembly; coupling said signal transmission assembly to said propagation channel.

However, Blair discloses in fig. 4 a block diagram of a system presenting network enabled receivers along with transmitters in a communication system. The set-up shown by Blair in figs. 1-4 is considered either equivalent or renders the claimed coupling obvious to one skilled in the art at the time of the invention because such claimed coupling arrangement is a clear design choice (See Blair figs. 1-5, and [0031-0036]).

As per claims 2-3, 20-21, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Blair modems 210 and 415 as shown in fig. 3,

respectively, include the claimed modulator and transmitter facilitating radio frequency propagation (See Blair [0031-0032]).

As per claims 4-6, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, the blocking assembly is considered included in the DSL modem 415 wherein the modulated signal is propagated through conventional telephone lines (See Blair [0031-0032]).

As per claims 7-9, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Blair's DSL modems 415 of fig. 4 provide demodulating and display means 50 of fig. 1 facilitates the routing of the received video signal (See Blair [0031-0032]).

As per claims 10-12, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Blair's modems 415 demodulate the propagated signal from conventional telephone line (See Blair [0031-0033]).

As per claims 14-15 and 23, most of the limitations of these claims have been noted in the above rejection of claim 13. In addition, Blair further discloses selecting the propagation channel from at least fiber optic cable, in-situ telephone wiring, and wherein the presentation means is selected from at least television, computer monitor (See Blair

fig. 1, display 50; [0050], [0020]). The applicant should note that Blair method is not limited to a specific number of monitors/displays.

As per claims 17-18, most of the limitations of these claims have been noted in the above rejection of claim 16. In addition, Blair discloses an access code required for monitoring along with a router recognizing a query. To the examiner, the router recognizing the query along with the access code is considered as the blocking assemblies and the authorization as noted in [0040] provides the securing means (See Blair [0035], [0041]).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gims S Philippe  
Primary Examiner  
Art Unit 2621

GSP

January 26, 2008